

PARLIAMENTARY INQUIRY INTO 2022 NATIONAL ELECTION IN PNG

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State Function Room, Parliament House

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Introduction

The Special Parliamentary Committee on Elections will inquire into the conduct of the 2022 National Elections. When conducting the Inquiry, the Committee will be guided by these Terms of Reference (TOR) to inquire into;

- i) powers, functions and responsibilities of the Electoral Commission and related matters
- ii) the process involved in the conduct of the General Elections with focus on updating the common roll, campaigning, voting, counting, declaration, disputed returns process and other related matters
- iii) the expenditure of electoral funds and related matters
- iv) the security provided by Royal PNG Constabulary, the PNG Defence Force and the Correctional Institutional Service and related matters.

While the Parliamentary Committee will specifically inquire into the conduct of 2022 NGE, I want to focus on two main areas.

- a) Electoral Reforms that were recommended in the last term of Government,
- b) Discuss technological intervention as a way forward to improve the electoral systems in PNG.

Background

Following the 2022 NGE, the International and Domestic Election Observer Groups reported that elections in PNG encountered lots of problems and issues such as; election rigging, bribery, corruption, threats and violence, fighting and killings, destruction of properties, ineffective governance and management issues, including delay in the release of election funds, lack of electoral reforms, outdated organizational structures, poor oversights and untimely decisions by the Electoral Commission. This attracted a lot of complaints and public outcries and some prominent leaders in both public and private sectors also express grave concerns about issues and challenges faced in the election.

In 2007, the National Government introduced the LPV voting system from the FPTP voting system. It was believed that LPV voting system would address fair representations in Parliament, however it did not eradicate the problems faced in elections in the past. These issues and challenges continued to remain and have escalated in subsequent elections.

The 2022 NGE was described as one of the worst elections since PNG's Independence in 1975. This is not to say other elections were good. They also faced issues and challenges but the last one was more difficult. The Prime Minister and many elected leaders spoke out to immediately look into the electoral systems and short out the mass by introducing technologies to assist in the future electoral processes.

TOR No. 1: Powers, Functions and Responsibilities of Electoral Commission

In the first TOR, the Parliamentary Committee inquiry into 2022 NGE wants to see is the powers, functions, and responsibilities.

The powers, functions and responsibilities of Electoral Commission are clearly defined in the OLNE. There were some work done and a report was presented to the NEC in late January 2022. I recommend that this report should be revisited to address some of the issues on powers, functions and responsibilities.

As a background, the Head of State, the Governor General on 18 February 2018 commissioned the C&LRC upon the advice of NEC to conduct a review of Electoral system and return to NEC within eighteen months. The Terms of Reference (TOR) issued to C&LRC was to guide its inquiry to look at the following areas;

1. Electoral roll system
2. Polling system, [i.e. period, places]
3. Electoral boundaries
4. Seats for Women [and special interests groups]
5. Nomination [fees, eligibility or qualifications]
6. Court of Disputed Returns [Election petitions - period, filing fees security costs]
7. Voter identification i.e. Biometric system [registration & voting]
8. Local-level Government elections
9. Electoral Commission [composition, powers, duties & responsibilities]
10. Decentralization of electoral responsibilities

The Final Report was and the recommendations were presented to the Prime Minister, the Attorney General and other key stakeholders in late January 2022. Some of the options considered feasible for public policy to progress to the political level in NEC and Parliament were;

1) Administration of Election

Electoral Commission will remain the key Constitutional Office to conduct all elections for National Government and LLG in PNG.

- a) Electoral Commission to consist of three Commissioners, headed by Chief Electoral

- Commissioner; one commissioner to be a woman qualified to be appointed
- b) Code of conduct: Leadership Code provisions to apply
- c) Retirement age: Align with public service mandatory retirement at 65 years or earlier based on medical grounds
- d) Resignation: three months notice to Head of State, GG
- e) Government may offer CEC or any commissioner another job within Public Service
- f) Conditions of employment – Salary & Remuneration Commission to determine
- g) Pension: Constitutional Office-Holders pension scheme to apply

2) Electoral Boundaries Commission

- a) Remove the powers of Parliament to ‘accept or reject’ recommendations, instead
- b) Recognize the Governor General to proclaim ‘open electorates’ on advice of EBC
- c) The Governor General being an Office of neutrality and impartiality, the highest in rank of all persons or institutions in PNG report and the recommendations were presented to Prime Minister,

3) Registration of Voters

- a) Registration of voters nation -wide to close ninety days to date of issue of writs by Governor-General.
- b) Biometric system of registration & voting to adopt for future elections, [was not feasible in the 2022 election]
- c) Voting Day - Enrolment & Voting:
 - i) Where it is found a person’s name is missing on the roll [provisions of \ s.141, 142, 143 of OLE to apply]
 - ii) Where a person has NID card or other valid forms of ID ie drivers
 - iii) license, passport - work, school, college or university but the name is not found on the roll,
 - iv) He/she will be required to enrol ‘on the spot’ and be allowed to vote as declaration voter same time

4) Writs and Nominations

- a) Governor General to issue Writs [provision remains]
- b) Maximum period of seven day-window [to be retained]
- c) Propose fees to increase to K5000 for National Parliament and K500 for LLG.

5) Campaign

- a) Reduce to 4 weeks; [current law eight weeks]
- b) Blackout to apply to campaigners; [three days to start of polling period].

6) Polling Period – Voting & Counting at Polling Place Level:

- a) To reduce, prevent prevalence of violence and promote discipline in management of public finance we propose;
- b) **One Day Voting nation-wide** out of seven days window; [current law 14-day window] c) Primary counting of votes to be undertaken in same polling place immediately after day's voting; [current law 21 days] d) These procedures will be undertaken before watchful eyes of crowd present, plus Party agents & scrutineers present will witness counting process.

Polling place vote tallies to be transmitted by the Returning Officer on "WhatsApp" or other secured information communication technology.

7) Declaration

- a) Returning Officer to declare seat in a safe, secured facility at District HQs; or
- b) other safe, secured designated facility appointed by Returning Officer after consulting with the Provincial Police Commander & Chief Electoral Commissioner
- c) Returning Officer to receive, verify vote tallies from each designated polling place, managed by duly appointed Presiding Officer

8) Election Petition

- a) Petitioner to file thirty days from issue of Writ or start of polling period; [current law 40 days after declaration of seat]
- b) Filing fees to increase to K1, 000 NP & K500 LLG; [current K500/K200 respectively]
- c) Court security deposit to increase to K10, 000 for NP, K1000 for LLG; [current law K5, 000/K500 respectively]

9) LLG Term of Office

- a) Section 34 of OLPG & LLG directs Electoral Commission to conduct general election for Legislative Arms of LLGs either concurrently or three months after date of Writ's return for National Parliament general election.
- b) We propose to amend this Law to allow future Term of Office to run full five (5)

years

- c) Effective from 2021, LLG election to be conducted 2.5 years after return of Writs for National Parliament general election in July 2021
- d) Unless the proposed Organic Law on Decentralization repeals the LLGs and election law will have to be adjusted to align with proposed types of Government such as; Provincial Government, Gradative Governments and Integrated Governments. *(this section was considered when the discussions of reviewing the OLPG&LLG was discussed)*
- e) These Governments must be established through a proper and legally establish election process.

10. Allow Saturday and Sunday Voting

- a) Proposal is put for voting to be conducted on days of worship (Sunday and Saturday) and public holidays to avoid any confusion and religious and faith restrictions deliberations.

TOR No. 2: The process involved in the conduct of the General Elections with focus on updating the common roll, campaigning, voting, counting, declaration, disputed returns process and other related matters

The second TOR that the Parliamentary Committee would like to inquire is the conduct of the NGE focusing more on updating of common roll, campaigning, voting, counting, declaration, disputed returns process and other related matters.

In election operation, the Electoral Commission should be more focused on securing four main functions, voter registration, voter identification, polling and counting. While the other areas are equally important, if those four are managed and administered properly, it can minimize the issues and challenges.

The immediate recommendation is to change the system of voting from LPV back to FPTP. The reason is very simple. LPV did not solve the problems faced during the implementation of FPTP system. So reintroduce the FPTP system and strengthen it with technologies (see item 7 in this paper),

TOR No. 3: Expenditure of Electoral Funds and Related Matters

Election Budgets and expenditures are matters of concern. The cost of Election is always increasing as population increases, cost of goods and services and CPI and how the Election is planned and executed. Without going too much into the details of the expenditure, the election cycle in PNG is categorized into pre election, election proper and post election. Post election is also considered very important because the Electoral Commission is required to defend the electoral process in every election dispute and it has to engage lawyers to defend the process. Lawyer's costs are huge in this regard. Election budgets for the last two elections are shown below;

- 2017 K400 Million
- 2022 K600 Million
- 2027 K 200 Million (NGE Election Operation)
- 2027 K 232 Million (BRV & EVM Technologies Captial Investment)

TOR No. 4: Security provided by Royal PNG Constabulary, the PNG Defence Force and the Correctional Institutional Service and related matters.

The cost of deploying security forces during election under LPV is far greater than the FPTP system. The time used up for polling and counting is too long and requires more security personnel to protect the public and properties. The shorter the period is, the cheaper the cost of security will be.

- 2017 NGE Security Budget K121 Million
- 2022 NGE Security Budget K 200 Million Every year the cost of security to protect election under LPV is increasing.

7. Biometrics Registration and Verifications and Electronic Voting Machine

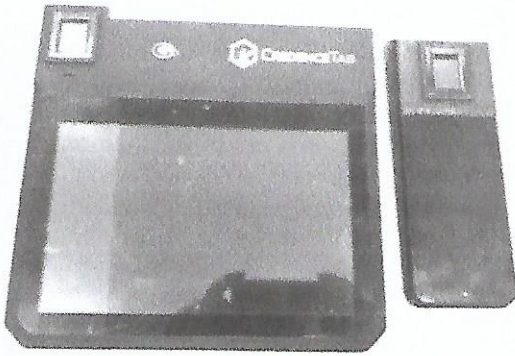
This section discusses the Biometric Registration Verification and Electronic Voter Machine (BRV&EVM). It addresses item 2 in the inquiry.

There are two systems with separate functions, but can be interconnected and used to deliver effective election results in PNG. While there are different kinds of biometrics systems and electronic voting machines on the market shelves worldwide, the product that PNG would like to adopt must be tamperproof and protective in every aspect of security from India. This concept paper will discuss how the functions of the BRV&EVM, the indicative cost estimates, justifications and the modeling of how it can be implemented in PNG.

To achieve the desired outcomes in future elections, the Government must first understand the type of outcomes it expects and address the legal and administrative frameworks that would adequately strengthen the BRV&EVM; only then it can deliver the desired results. Below is the image of the BRV from US and EVM from India.

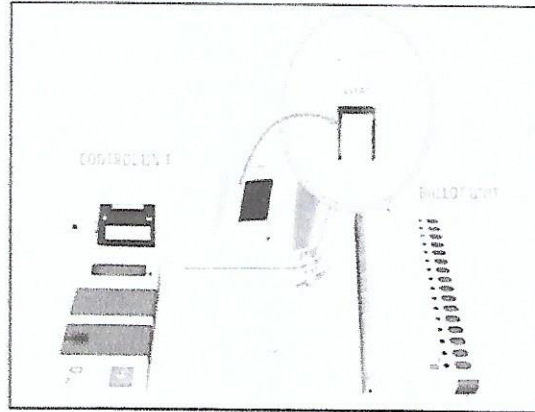
Images of Biometric Registration & Verification and Electronic Voting Machine

Biometric Registration & Verification – USA



Functions: Registration and Verification
Estimate cost: K5, 000
Estimate weight: 5 kg
Same devices: Big size (left) and small size (right)

Electronic Voting Machine (EVM) – India



Functions: Polling and Counting
Estimate cost: K 7,000
Weight: 20 kg
Components: Control Unit (Left) VVPAT
and the Ballot Box (Ctr) and Ballot Unit
(Right)

7.2 Functionalities for Free, Fair and Safe Elections

There are four main functions when conducting a free, fair, and safe election and can be categorized as follows;

a) Voter Registration

- Electoral Commission must register all eligible voters at 18 years old and above using the Biometrics Unit
- Produce the National Electoral roll.
- BRV to produce a Voter ID for every eligible voter.
- The electoral roll must be the basis for developing polling schedules and allocating EVMs for polling and counting.

Voter Verification

- Biometrics must accept and confirm the voter's unique features.
- Voters' unique features are the voter number, fingerprints and facial photograph.
- The Biometric Unit can include other IDs such as a Voter ID, NID passport, driver's license, employer's ID, and College or University ID in the database of the voter.

Polling

- For voting purposes, every eligible voter will scan 10 of their fingerprints into the biometrics machine to identify them.

- The Control Unit is the master unit that controls the ballot unit that the PO activates to start the whole process. The Control Unit will enable the ballot unit to be used for one vote at a time for each voter and prevents the voter from voting more than once.
- Ballot Unit has a button for every candidate and can hold up to 15 candidates, but up to 4 units can be interconnected, accommodating up to 60 candidates altogether. Using the Control unit for one entry at a time for each voter activates it.
- Verifiable Voting Paper Audit Trail (VVPAT) has a small printer with a screen attached to a compartment. After the voter presses their choice of candidate on the ballot unit, the choice number briefly appears on the VVPAT unit screen and gets printed on a paper slip, which gets snipped and dropped into the VVPAT compartment.
- Details of the vote printed on the VVPAT slip (ballot paper) will include;
 - Candidate number,
 - Candidate photo,
 - Logo and name of the political party/or as an independent candidate, province, electorate, and LLG,
 - A symbol like; a cat, banana, lion, bird, or pineapple, for illiterate voters to identify their candidate of choice and press on the voter pad.
- All the votes will be recorded simultaneously in the Control Unit of the EVM at the time of voting.

Counting

- All votes cast during the polling will be registered and simultaneously counted by the Control Unit when the receipt falls into the ballot box.
- On the counting day, only the Control Unit is brought out and activated to retrieve all results of votes cast.
- Scrutineers must be present at the counting centers to witness the electronic counting by extracting figures from the Control Unit.
- The presiding officer will activate the Control Unit to retrieve all votes to be counted and posted to the Central Tally Room (CTR), witnessed by the scrutineers.

7.3) Estimate Cost for BRV&EVM

The Government must be fully committed to funding and supporting these technological innovations. However, it must also be wary of inflated prices offered by ICT companies and ICT experts, which may be excessive.

The cost estimates below indicate the writer's figures after physically seeing the machines. The Government will discuss the final price at the bilateral level and come up with the final cost with

the host country, India, and other development partners for their support to promote democratic elections in PNG. It is proposed that if the laws are amended, State agencies such as PNGEC, NID, NSO, and DPLG can share data. In addition, the Department of Information and Technology (DIT) can be involved in maintaining backup data in the National Data Centre for PNG.

The estimated total number of polling stations nationwide is about 10,600. The 11,000 units will cater for extra units in case of destruction, factory defaults, and mechanical problems, including durable batteries used in remote areas.

- **BRV:** K5, 000 per unit x 11,000 units = **K55 million (11, 000 polling stations)**
- **EVM:** K7, 000 per unit x 11,000 units = **K77 million (11, 000 polling stations)**
- **Data Updates and Piloting:** Data sharing, uploads, and tests in PNG = **K40 million.**
- **Other Costs:** Consultancy, training, spare parts and accessories, ICT programming, Independent Business Unit, delivery costs, import taxes). =**K 60 million. Total Estimate: K232 million**

7.4) Project Costs and Comparison

Funding can be staggered and allocated annually;

- | | | |
|---|---------------------|---------------------|
| • | 2024 Budget | K 90 Million |
| • | 2025 Budget | K 90 Million |
| • | 2026 Budget | K 52 Million |
| • | Total Budget | K232 million |

Comparison of costs of funding by Government & Donor Partners

2017 NGE: Total Election Budget: **K400 million**

Breakups;

- Election Ops: K279 million
- Security Ops: K121 million

2022 NGE: Total Election Budget **K600 million**

Breakups:

Election Ops. K400 million

Security Ops. K200 million

2027 NGE: BRV&EVM = K 232 million

Breakups:

- BRV K 55 million
- EVM K 77million
- Data Updates & Piloting K44 million
- Consulting, IBU, Taxes K 60 million Costing can be spread over three year period from 2024-2026.

7.5) Justifications for BRV& EVM

The cost of election will be reduced by half.

Election-related issues and challenges would be reduced by half.

No. of polling and counting days will be reduced from 21 days to 7 days or less.

No. of TEWs will be significantly reduced by 2/3. Currently, about 50,000 TEWs are engaged.

The Cost of security personnel will be reduced by 2/3 because the number of counting days will be reduced to 7 or less.

No. of service providers will be reduced substantially.

- Initial capital investment may be high but reduced over time because LLG elections would be between 5 years, and these machines can be used again.
- No more use of printed ballot papers. Ballot papers will be printed as the Voter Verifiable Paper Trail (VVPAT).

- Fighting and killings over printed ballot papers, shortage of ballot papers, and unnecessary marking of ballot papers will be the thing of the past.
- VVPAT ballots cannot be opened unless ordered only by a competent Court.
- The Cost of procurement of big-ticket items will be reduced.
- Bribery, corruption, and election riggings will be reduced and controlled as counting will be done at the District HQ within a day, and results will be transmitted to CTR for publication by media for public consumption.
- The voters will elect leaders to Parliament and the Legislative. Assemblies of LLGs.
- The EC can consider advance voting for two weeks of voting without announcing the results to reduce long queues during polling.
- Postal voting can be allowed only for PNG overseas citizens as long as they are registered on the electoral roll and have official passport no., NID and drivers license.
- The BRV&EVM will be rolled in phases; i.e., covering coastal regions first; Momase, NGI, and Southern or urban areas, like electorates in NCD, Lae Goroka, Mt. Hagen, Kokopo, Madang, Wewak, Milne Bay.
- A separate Independent Business Unit (IBU) will be established to manage the BRV&EVM outside the Government's control and manipulations and must directly report to the EC.

8. Way Forward

The Concept for BRV&EVM is illustrated in this Communications Flow Chart below;

1) Legal and Constitutional Framework

1. Write laws to safeguard and protect the BRV&EVM.
2. Higher penalties on the person(s) tampering, highjacking, and destroying the BRV&EVM.
3. IDEC should be established to oversee the coordination of elections.
4. Legalize and establish the PSCs and their administrative and coordination roles and functions

5. Appoint 3xECs to PNGEC; 1 Chief EC, one female EC, and one male EC.
6. 3xECs to take over the functions of the Election Advisory Committee (EAC). Repeal EAC.
7. EC has broad discretionary powers to use the manual electoral system or BRV&EVM. This allows for flexibility, learning, and acceptance of the new technology by the voters.
8. Annual budgetary support to maintain BRV&EVM to run elections.

2) Administrative Framework

1. Set up the BRV&EVM Parliamentary and Technical Committee to work on the electoral reforms and BRV&EVM.
2. Decentralize the functions of roll updating to all provinces.
3. Establish the Provincial Applications (PAs) in every province.
4. EC to decide where and how the BRV&EVM should be used.
5. Establish an Independent Business Unit (IBU-a company) to manufacture or import BRV&EVM.
6. No government control over IBU in the designing, programming, manufacturing, or importing of BRV&EVM.

3) Technological Framework

1. Develop and set up tamperproof controls, audits, monitoring, and evaluations of the technology at every strategic points of the BRV&EVM.
2. Establish tamperproof controls, monitoring, and evaluation systems on the BRV&EVM.
3. EC to approve the final National Electoral Roll derived from the PAs in the provinces through the BRV and gazette it.
4. The voter registration number is to be issued permanently to every eligible voter in the country.
5. BRV to produce Voter ID cards and make them available on the EC website.

6. All school students 15-16 years old must register in the BRV.
7. NID, NSO, PNGEC, and DPLG should share their data through the Department of ICT. These data should include; o NID - NID data o NSO-Census data o PNGEC-Electoral Roll or DPLG - Village Book
8. Start series of consultative meetings with IDEC, EC, DFA, Indian High Commission to PNG, Dept. of Treasury, Department of Finance, Department of NPM, UN, Embassies, and other donor partners.

Conclusion

This paper discusses how to improve and strengthen the electoral system in PNG before the 2027 NGE. The decision will then lie on whether or not the Government will still maintain the LPV system of voting or the FPTP system of voting. There are pros and cons about the systems but the main idea is to work on a system to improve elections in PNG.

PNG has experienced the worst election in its political history in this year's election, but the 2022 NGE event has passed with the formation of the new Government on Tuesday, August 9th, 2022. Nevertheless, especially those who have lost their loved ones and destroyed properties will remember its legacy and scars for a long time. The Government must not waste time. Instead, it should direct the relevant State Agencies to start working on the changes to the Electoral laws and the introduction of the BRV&EVM voting systems.

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COMMUNICATION FLOW CHART: BRV&EVM

**PNG
Government**

rUSA/
Indian
Government

USA/
Indian
Government

PNG Electoral
Commission

Electoral
Commission
of India

IBU/Company

Bharat
Corporation

Credence
Corporation

Electorates
Wards

Electorates
Wards

Electorates
Wards

Electorates
Wards